



UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

CONSOLIDATED COMMUNICATIONS d/b/a)
ILLINOIS CONSOLIDATED TELEPHONE)
COMPANY)

Petitioner/Cross-Respondent)

Nos. 14-1135

14-1140

v.)

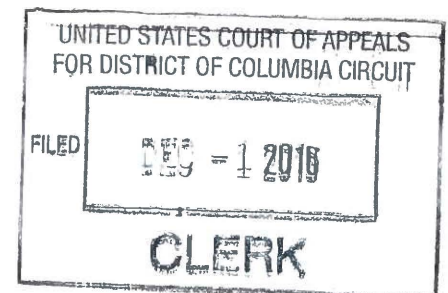
NATIONAL LABOR RELATIONS BOARD)

Respondent/Cross-Petitioner)

INTERNATIONAL BROTHERHOOD OF)
ELECTRICAL WORKERS, AFL-CIO,)
LOCAL 702)

Intervenor)

ORIGINAL



JUDGMENT


Before: TATEL, BROWN, and MILLETT, *Circuit Judges*

THIS CAUSE came to be heard upon a petition filed by Consolidated Communications d/b/a Illinois Consolidated Telephone Company to review an Order of the National Labor Relations Board dated July 3, 2014, in Case Nos. 14-CA-094626 and 14-CA-101495, reported at 360 NLRB No. 140, and upon a cross-application for enforcement filed by the National Labor Relations Board to enforce said Order. The Court heard argument of all parties and has considered the briefs and agency record filed in this cause. On September 13, 2016, the Court, being fully advised in the premises, handed down its opinion granting in part the petition of Consolidated Communications d/b/a Illinois Consolidated Telephone Company and granting in part the Board's cross-petition for enforcement. In conformity therewith, it is hereby

ORDERED AND ADJUDGED by the Court that Consolidated Communications d/b/a Illinois Consolidated Telephone Company, Mattoon, Illinois, its officers, agents, successors, and assigns, shall abide by said order (See Attached Order and Appendices).



Judge, United States Court of Appeals
for the District of Columbia Circuit

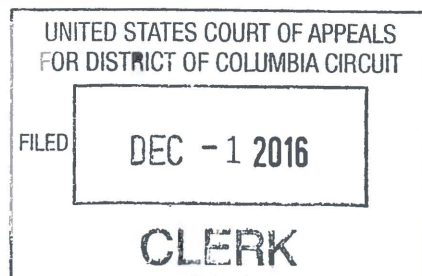


Judge, United States Court of Appeals
for the District of Columbia Circuit



Judge, United States Court of Appeals
for the District of Columbia Circuit

ENTERED:



NATIONAL LABOR RELATIONS BOARD

v.

CONSOLIDATED COMMUNICATIONS
D/B/A ILLINOIS CONSOLIDATED TELEPHONE COMPANY

ORDER

Respondent Consolidated Communications d/b/a Illinois Consolidated Telephone Company, Mattoon, Illinois, its officers, agents, successors, and assigns, shall

1. Cease and desist from
 - (a) Disciplining or otherwise discriminating against any employee for engaging in union or protected concerted activities, including participation in a strike;
 - (b) Refusing to bargain collectively with Local 702, International Brotherhood of Electrical Workers, AFL-CIO, the exclusive collective-bargaining representative of the Respondent's unit employees, by unilaterally reassigning and eliminating the job duties of Office Specialist-Facilities Department without giving the Union sufficient notice and an opportunity to bargain about the change.
 - (c) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
 - (a) Within 14 days from the Court's issuance of the mandate, rescind the December 2012 suspensions of Michael Maxwell and Eric Williamson.
 - (b) Make Michael Maxwell and Eric Williamson whole for any loss of earnings and other benefits suffered as a result of the discrimination

against them, in the manner set forth in the remedy section of the Board's July 3, 2014 Order.

- (c) Within 14 days from the Court's issuance of the mandate, remove from its files any reference to the unlawful suspensions of Michael Maxwell and Eric Williamson, and within 3 days thereafter notify the employees in writing that this has been done and that the suspensions will not be used against them in any way.
- (d) Return the position of Office Specialist in the Facilities Department to the status quo that existed at the time of Brenda Weaver's discharge.
- (e) Before implementing any changes to the job duties of Office Specialist-Facilities Department, notify, and on request, bargain in good faith with Local 702, International Brotherhood of Electrical Workers, AFL-CIO.
- (f) Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause shown, provide at a reasonable place designated by the Board or its agents, all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this Order.
- (g) Within 14 days after service by the Region, post at its facilities in Mattoon and Taylorsville, Illinois copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 14, after being signed by the employer's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current

employees and former employees employed by Respondent at any time since December 13, 2012

- (h) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

APPENDIX
NOTICE TO EMPLOYEES

POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES
COURT OF APPEALS ENFORCING AN ORDER OF
THE NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO
Form, join, or assist a union
Choose representatives to bargain with us on your behalf
Act together with other employees for your benefit and protection
Choose not to engage in any of these protected activities.

WE WILL NOT discipline or suspend you because of your union or concerted protected activities, including your participation in a legal strike.

WE WILL NOT refuse to bargain collectively with Local 702, International Brotherhood of Electrical Workers, AFL-CIO, the exclusive collective-bargaining representative of our unit employees, by unilaterally reassigning and eliminating the job duties of Office Specialist-Facilities Department without giving the Union sufficient notice and an opportunity to bargain about the change.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

WE WILL make Michael Maxwell and Eric Williamson whole for any loss of earnings and other benefits resulting from their discipline, less any net interim earnings, plus interest compounded daily.

WE WILL file a report with the Social Security Administration allocating backpay to the appropriate calendar quarters.

WE WILL compensate Michael Maxwell and Eric Williamson for the adverse tax consequences, if any, of receiving one or more lump-sum backpay awards covering periods longer than 1 year.

WE WILL, within 14 days from the Court's issuance of the mandate, remove from our files any reference to the unlawful suspensions of Michael Maxwell and Eric Williamson, and WE WILL, within 3 days thereafter, notify them in writing that this has been done and that the suspension will not be used against them in any way.

WE WILL restore to the position Office Specialist in the Facilities Department those duties that were performed by Brenda Weaver prior to her discharge.

WE WILL, before implementing any changes to the job duties of Office Specialist-Facilities Department, notify, and on request, bargain in good faith with Local 702, International Brotherhood of Electrical Workers, AFL-CIO.

CONSOLIDATED COMMUNICATIONS
D/B/A ILLINOIS CONSOLIDATED TELEPHONE COMPANY

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LOCAL 702)	
Intervenor)	

CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2016, I electronically filed the foregoing document with the Court for the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system. I further certify that the foregoing document was served on all parties or their counsel of record through the appellate CM/ECF system.

s/Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570

Dated at Washington, D.C.
this 7th day of November, 2016